



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,461	01/13/2006	Anton Jacobus van den Goorbergh	VER-189XX	7528
207 7590 08/28/2009 WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109				
EXAMINER BRADFORD, CANDACE L				
ART UNIT 3634		PAPER NUMBER		
MAIL DATE 08/28/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/525,461

Applicant(s)VAN DEN GOORBERGH, ANTON
JACOBUS**Examiner**

CANDACE L. BRADFORD

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/22/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-19 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-19 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

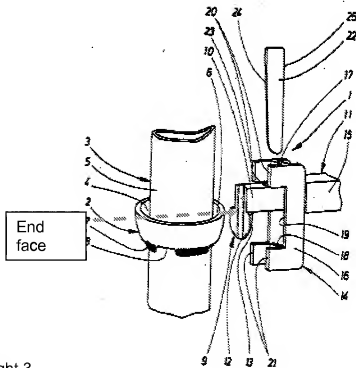
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

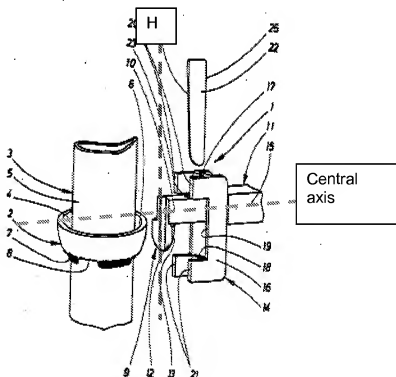
Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses a girder 11, for a scaffold, the girder comprising at least one end face, and a coupling element 9, integrally attached on said at least one end face, said coupling element configured to detachably couple to a smooth tube part of a



scaffold upright 3.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 1, wherein said coupling element comprises a tube clamp 22, to detachably connect to a smooth tube part of a scaffold upright 3.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 1, wherein said girder 11, comprises a central axis and wherein a plane (H) intersects said girder along said central axis, said girder further comprising, said coupling element 9, is located on one respective side of



said intersecting plane (H).

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 1, wherein said coupling element 9 comprises a connecting body 12, which is undetachably connected to the girder 11.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 4, wherein said girder 11, comprises a central axis and wherein a plane (H) intersects said girder along said central axis, said girder further comprising said coupling element 9, is located on a first respective side of said horizontal intersecting plane (H), first portion of the connecting body of said coupling element is located on the first side of said intersecting plane (H) and a second portion of the connecting body is located on a second side of said intersecting plane (H), wherein said first portion extends farther from said at least one end face than said second portion.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 4, wherein said connecting body 12, is of a solid design.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 4, wherein said girder 11, comprises a central axis and wherein a plane (H) intersects said girder along said central axis, said girder further comprising said coupling element is located on one respective side of said intersecting plane (H), wherein said connecting body 12, extends a predetermined distance (S) from the respective girder end face as best seen in Figure 1.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 4, wherein said connecting body 12, extends into the end face of the girder 11.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 8, wherein the connecting body 12, fits into the girder 11, with little or no clearance.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 4, wherein a distance (L) between the end face of the girder 11, and an outer side of an upright 3, located in said coupling element 9, is less than 5 cm.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder 11, of claim 1, further comprising first and second end faces and wherein a respective coupling element 9 is coupled to each end face (second end face of girder, located on the opposite end of the girder is not show).

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 11, wherein said girder 11, comprises a central axis and wherein a plane (H) intersects said girder along said central axis, said girder further comprising said coupling element coupled to the first end face is located on one respective side horizontal said intersecting plane (H), and the coupling element integrally attached to the second end face is located on an opposite side of said intersecting plane (H).

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 1, wherein said coupling element 9, comprises a half cross-coupling. It should be noted that the examiner has interpreted a

half-cross coupling as a connection. The applicant has not clearly defined a half-cross coupling in the specification.

Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 2, wherein said girder 11, comprises a central axis and wherein a plane (H) intersects said girder along said central axis, said girder further comprising said coupling element is located on one respective side of said intersecting plane (H).

Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 9, wherein said girder comprises first and second end faces wherein a coupling element 9, configured to detachably couple to a smooth tube part of a scaffold upright 3, is provided at each of said first and second end faces.

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 9, wherein said coupling element 9, comprises a half cross-coupling. It should be noted that the examiner has interpreted a half-cross coupling as a connection. The applicant has not clearly defined a half-cross coupling in the specification.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallther (4439052). Wallther discloses the girder of claim 12, wherein said coupling element comprises a half cross-coupling. It should be noted that the examiner has interpreted a half-cross coupling as a connection. The applicant has not clearly defined a half-cross coupling in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallther (4439052). Wallther as advanced above fails to disclose a method for building scaffolding. It would have been obvious, in view of the structure as advanced above to build a scaffold in the method as claimed i.e. coupling the uprights and girders to each other, erect uprights, and attach coupling element to a smooth tube part of a scaffold upright, while producing no new and unexpected results.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallther (4439052) in view of Beeche (5203428). Wallther as advanced above fails to disclose the girder of claim 1, wherein said coupling element is integrally attached to said at least one end face by gluing. Beeche teaches the utility of scaffolding elements being glued to each other, as recited in column 5, line 58. The use of glue as a connection means is commonly used in the art to securely connect components of an apparatus. Therefore, it would have been obvious to one of ordinary skill in the art to provide the scaffolding of Wallther with a coupling element glued to a girder end face as taught by Beeche so as to securely connect components of an apparatus.

Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallther (4439052) in view of Duncan et. al. (5207527). Wallther as advanced

above fails to disclose The girder of claim 1, wherein said coupling element is integrally attached to said at least one end face by welding/thermal clamping. Duncan et. al. teaches the utility of a coupling element 46, welded 38, to an end face of a girder, as best seen in Figure 1. The use of welding/thermal clamping as a connection means is commonly used in the art to securely connect components of an apparatus. Therefore, it would have been obvious to one of ordinary skill in the art to provide the scaffolding of Wallther with a coupling element welded/thermally clamped to a girder end face as taught by Duncan et. al. so as to securely connect components of an apparatus.

Response to Arguments

Applicant's arguments with respect to claims 1-13, 15-19 and 22-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Candace L. Bradford
Patent Examiner
Art Unit 3634
August 27, 2009

/Alvin C. Chin-Shue/
Primary Examiner, Art Unit 3634